

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

JOHN LEE NEWMAN, #886663 §
VS. § CIVIL ACTION NO. 9:04cv275
WILLIAM SHERMAN, ET AL. §

ORDER OF DISMISSAL

Plaintiff John Lee Newman, an inmate confined at the Polunsky Unit of the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. He complained about theft of food, fraud to cover up the theft and the resulting inadequate food for himself. The complaint was referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the lawsuit should be dismissed. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge. It is accordingly

ORDERED that the cause of action is **DISMISSED** with prejudice pursuant to 42 U.S.C. § 1997e(c). It is further

ORDERED that all motions by either party not previously ruled on are hereby **DENIED**.

So **ORDERED** and **SIGNED** this **29** day of **November, 2005**.



Ron Clark, United States District Judge